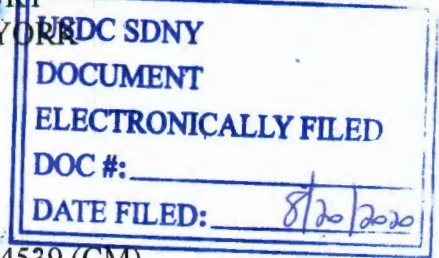


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



PERRY STREET SOFTWARE, INC.,

Plaintiff,

v.

JEDI TECHNOLOGIES, INC.

Defendant.

Case No. 1:20-cv-04539 (CM)

**NOTICE OF WITHDRAWAL OF
DEFENDANT'S MOTION TO DISMISS**

Defendant Jedi Technologies, Inc. ("Jedi") respectfully withdraws its Motion to Dismiss, ECF Nos. 17-19, and states as follows:

After Perry filed its original Complaint, ECF Nos. 1 and 6, Jedi sent a letter to Perry explaining that Perry's complaint was fatally deficient under the Supreme Court's *Twombly* and *Iqbal* decisions and requesting that Perry voluntarily amend its Complaint so that the parties could resolve the issue without burdening the Court with motion practice. ECF No. 19-4, June 25, 2020 letter from Jedi to Perry. Perry responded to Jedi by sending a letter in which it refused to amend its complaint. ECF No. 19-5, June 26, 2020 letter from Perry to Jedi. On July 10, 2020, Jedi filed a motion to dismiss Perry's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF Nos. 17-19. On July 24, 2020, Perry filed a First Amended Declaratory Judgment Complaint, ECF No. 21, and responded to Jedi's motion, stating that it had amended its Complaint once as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). ECF No. 22, Perry's Resp.

In view of Perry's amended Complaint, ECF No. 21, Jedi withdraws its Motion to Dismiss, Docket Nos. 17-19, reserving all rights to answer or otherwise respond to the amended Complaint.

MEMO ENDORSED

8/20/2020
Motion at doc. #17 is hereby
withdrawn. Please terminate
motion.

Allen M. Mc

Dated: July 29, 2020

Respectfully submitted,

/s Brian E. Haan

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Attorneys for Defendant, Jedi Technologies, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 29, 2020 the foregoing:

NOTICE OF WITHDRAWAL OF DEFENDANT'S MOTION TO DISMISS

was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record:

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